

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 04, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Russell Paul Nickerson Case Number: 0980 2:19CR00191-RMP-1
Address of Offender: , Washington 99208
Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge
Date of Original Sentence: June 16, 2020
Original Offense: Possession of Counterfeit Currency, 18 U.S.C. § 472
Original Sentence Probation - 60 months Type of Supervision: Supervised Release
Revocation: Prison - 10 months
(August 21, 2020) TSR - 36 months
Asst. U.S. Attorney: Earl A. Hicks Date Supervision Commenced: April 14, 2021
Defense Attorney: Federal Defenders Office Date Supervision Expires: April 13, 2024

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 05/20/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2	<u>Special Condition #5:</u> You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Russell Nickerson violated the terms of his supervised release by failing to attend substance abuse treatment on or about June 1, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed by telephone. Mr. Nickerson verbally acknowledged an understanding of the conditions imposed by the Court, to include the above-noted special condition number 5. The defendant later reported and signed the intake documents, to include his judgment.

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On May 25, 2021, Mr. Nickerson completed his admit appointment with Pioneer Human Services (PHS). He was enrolled in their outpatient program and scheduled to attend group sessions on Tuesdays, beginning June 1, 2021.

On June 1, 2021, he failed to attend his treatment group session.

3 **Mandatory Condition # 1:** You must not commit another federal, state or local crime.

Supporting Evidence: It is alleged that Russell Nickerson violated the terms of his supervised release by trespassing at the Spokane Tribe Casino on or about June 2, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed by telephone. Mr. Nickerson verbally acknowledged an understanding of the conditions imposed by the Court, to include the above-noted mandatory condition number 1. The defendant later reported and signed the intake documents, to include his judgment.

On June 2, 2021, the undersigned was notified by the Airway Heights Police Department (AHPD) that Mr. Nickerson was a passenger in a vehicle they pulled over. AHPD advised that all three individuals in the vehicle were observed at the Spokane Tribe Casino, they left together and then arrived at a known drug house, also located in Airway Heights, Washington.

AHPD advised that Mr. Nickerson was previously trespassed from the Spokane Tribe Casino on September 28, 2020.

4 **Special Condition # 1:** You must not engage in any form of gambling (including, but not limited to, lotteries, on-line wagering, sports betting) and you must not enter any casino or other establishment where gambling is the primary purpose (e.g., horse race tracks, off-track betting establishments).

Supporting Evidence: It is alleged that Russell Nickerson violated the terms of his supervised release by being at a casino (Spokane Tribe Casino) on or about June 2, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed by telephone. Mr. Nickerson verbally acknowledged an understanding of the conditions imposed by the Court, to include the above-noted special condition number 1. The defendant later reported and signed the intake documents, to include his judgment.

On June 2, 2021, the undersigned was notified by AHPD that Mr. Nickerson was a passenger in a vehicle they pulled over. AHPD advised that all three individuals in the vehicle were observed at the Spokane Tribe Casino, they left together and then arrived at a known drug house, also located in Airway Heights.

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- 5 **Standard Condition # 8:** You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

Supporting Evidence: It is alleged that Russell Nickerson violated the terms of his supervised release by having contact with a convicted felon, on or about June 2, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed by telephone. Mr. Nickerson verbally acknowledged an understanding of the conditions imposed by the Court, to include the above-noted standard condition number 8. The defendant later reported and signed the intake documents, to include his judgment.

On June 2, 2021, the undersigned was notified by AHPD that Mr. Nickerson was a passenger in a vehicle they pulled over. AHPD advised that all three individuals in the vehicle were observed at the Spokane Tribe Casino, they left together and then arrived at a known drug house, also located in Airway Heights.

AHPD advised they arrived to the home of Tera Kelly, who is a known drug distributor by law enforcement. Also present at the residence was Dakota Chavez, who has pending felony charges and a warrant.

The driver of the vehicle, Joshua Howe, is a convicted felon who had an outstanding warrant. Mr. Howe had ammunition in his pocket. He had a female companion in the vehicle who was in possession of a firearm that was the same caliber as the ammunition located in Mr. Howe's pocket.

- 6 **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Russell Nickerson violated the terms of his supervised release by failing to appear for a random urinalysis test, on or about June 3, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed by telephone. Mr. Nickerson verbally acknowledged an understanding of the conditions imposed by the Court, to include the above-noted special condition number 6. The defendant later reported and signed the intake documents, to include his judgment.

Mr. Nickerson was referred to Pioneer Human Services (PHS) for random urinalysis testing on April 21, 2021. He was directed to call the drug testing line daily to determine if he was to report the same day for drug testing. The correct testing line telephone number and address was then provided to him via text message. However, Mr. Nickerson failed to appear for random urinalysis testing on May 3 and 10, 2021. He later stated he realized he was calling the wrong testing line telephone number. Subsequently, he was given the

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“benefit of the doubt” for missing his substance abuse tests on May 3 and 10, 2021. He further confirmed having the correct telephone number.

On June 3, 2021, the defendant failed to appear for another urinalysis test.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/04/2021

s/Melissa Hanson

Melissa Hanson

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/4/2021

Date